

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

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Less than Lethal Force Offers More Options

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**An Administrative Research Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

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July 2004**

ABSTRACT

This paper will define less than lethal options and the importance of these options to law enforcement officers. It will also explain the purpose of these vital alternatives to lethal force. After researching the topic of less than lethal options, it was found that less lethal options play a major role in assisting police officers with performing their duties and preserving the lives of others. These options are so beneficial to police officers because they are safer and their incapacitating effects are temporary, or more easily reversible than their alternative, lethal force. A survey of the types of alternatives that officers most often use and their effectiveness will be described. Statistics show that most calls that an officer responds to are a result of a low-threat or non-deadly situation. Officers will use less than lethal options to handle some of these scenes. The different types of less than lethal options that are available today and some circumstances when their use will be warranted will be described; as well as some of the factors to consider when deciding which options to use. The necessary training that officers must have will also be described. The main purpose of this research paper is to make others aware that there are options available to law enforcement officers that are safer and effective in handling and restoring order in some chaotic situations. Less than lethal options offer an officer a way to preserve and protect in many situations when there is not an imminent threat.

TABLE OF CONTENTS

	Page
Abstract	
Introduction.....	1
Review of Literature.....	2
Methodology.....	6
Findings.....	7
Conclusion.....	10
References.....	12

INTRODUCTION

What is the best solution for an officer to gain control of a non-life threatening situation? Less than lethal options are a safe and effective way to restore order while using only that amount of force that is necessary. Less than lethal options were developed to provide law enforcement and military police with an alternative to lethal or deadly force. This project will attempt to explain the significance of less than lethal options to law enforcement. There will be situations that do not necessarily require the use of lethal force. An officer will need alternative means to safely and effectively handle these low to high-risk encounters, according to the situation.

The purpose of this research paper is to examine the use of less than lethal options as an effective solution to some situations. Specifically to answer the question: What is the safest way to handle situations that do not warrant the use of deadly force? Studies show that with proper training these less than lethal options are far safer than their alternative, lethal or deadly force. According to the situation, an officer must first start with only that amount of force that is necessary to get the situation under control.

In researching this topic, a review of studies and research material from magazine articles, books, journals and websites explain that police departments, military branches, and correctional officers have resorted to using these options in their departments. They also require that their officers are trained on the proper application techniques as well as when to use these options. In addition to other research methods, interviews with other police departments will be conducted on the use of less than lethal options that are in use by their departments.

After researching this topic, it was found that there are rules set up to govern the use of force by police. Article 3 of the Code of Conduct for Law Enforcement, (1979) is one such law.

It was also found that deadly force may only be used in the event of an imminent threat of death or serious bodily injury. This research will be beneficial to the Wharton Police Department, as well as other police departments and agencies because this paper will bring awareness of the tools an officer has available to assist them in performing their duties. After implementing less than lethal options in police departments, department heads may enhance the use of the options by training officer about the advancements in this area.

REVIEW OF LITERATURE

Less than lethal options were developed to provide law enforcement officers and military personnel with a safe and effective alternative to deadly force. Police officers today are faced with the task of making very important decisions while involved in some stressful situations. One of the most tedious decisions an officer may be faced with in a chaotic situation is the type of force to use. There are two main types of force: less than lethal force and lethal force. In order for an officer to make a reasonably sound choice, one must know the differences between the two terms. According to Adams, (1999) less than lethal force may be defined as the use of only that amount of force necessary to resolve a conflict. According to Albert and Dunham, (1997) lethal force is defined as force with the intent of serious bodily injuries or death. It should be used when there is threat of death at the moment or serious harm to others. Less than lethal options are considered to be very instrumental to officers because they offer more options and may prevent an officer from having to resort to lethal force.

There has been much debate as to the correct term to use for these alternatives to lethal force. In this report the term less than lethal will be used. They have been called less lethal,

non-lethal and by some who oppose the options as soft-kill. There is a potential for injury with any amount of force, which is why these options are termed as such. Less than lethal options were not invented to replace lethal force, but to offer law enforcement and other agencies more options to handle some situations that do not warrant the use of lethal force. The U.S. Department of Defense Directive (1996) says less than lethal weapons are weapons or devices that are created to temporarily impair a person or object while minimizing fatalities or permanent injury.

The concepts of less than lethal options are not by any means a new idea. Some of these concepts were introduced in the 1940's on episodes of fictional TV shows such as "Batman and Robin" and "Spiderman". Even prior to that there are examples of concepts of less than lethal options. During the Middle Ages, the Pope stopped the use of a type of bow due to the fatal wounds it created. The overall goal then is the same goal law enforcement officers of today are aiming for, to handle the situation with only the amount necessary.

Less than lethal options are to be used to temporarily confuse, delay or incapacitate an individual. According to Bir (2002), the intentions of a less than lethal option are to stop or control unwanted behavior. Some benefits of less than lethal options are that they lower the number of deaths, irreversible injuries and damage to property that could be harmful to all involved. They may also reduce the liability claims of excessive force. For any device to be called less than lethal there are some characteristics that must have been investigated and studied for safety and effectiveness. It should also be easy to use, fast acting, easily reversible, with the potential for less risk of serious injury or death.

There are factors that the officer in charge of the situation must consider when making the decision as to the degree of force to use. Distance, point of aim, and the mental attitude of the

individual must be considered when choosing the type of option to use. (Cuadro 2002). For example, a mentally deranged individual holding a knife has hijacked an airplane. Instead of risking potential damage to bystanders in a confined area and risking damage to the aircraft systems, other means of a less than lethal option may be used to incapacitate the individual and gain control of the situation. Other instances when less than lethal options may be used are to intervene in hostage rescues, riots, dealing with the emotionally disturbed, dealing with suicidal scenarios, and in some other situations. This may be the case in a situation commonly referred to as “suicide by cop”. It is one of the latest crazes an officer may encounter. An individual purposely threatens an officer or another person due to mental issues or other issues with the intent of being killed by police. In the past, this situation may have always ended with deadly force, but thanks to the advancements of less than lethal options that are available to officers, there are now other alternatives to this problem.

It is necessary that each agency set up a use of force policy in their departments. According to Adams, (1999) policies that control the use of force should focus on providing officers with the tools needed to do their job, on safety, less injuries, and the rights of those whom force is used against. Thorough and continuous training on the use of less than lethal options is critical. Most calls that an officer will respond to will be a scenario that requires a less than lethal option to restore order. Therefore, it is imperative that officers are trained properly to handle these situations accurately. Training should focus on enhancing the effectiveness of the options. As a result officer and public safety may increase. Officers should also be taught ways to defuse violent encounters. Training should include legal issues and tactical issues, such as when to use, application techniques, negotiations and control strategies. There should be training exercises in which the officer has to decide the best way to get the situation under control while

using the appropriate amount of force. Training should also consist of knowing where the target areas are when using certain options. Knowing where to aim is as important as knowing the amount of force to use. Less lethal areas are the lower arm, the thigh, the leg area below the knee, and the

lower abdomen. With proper training skills, these alternatives are effective at keeping the officer, bystanders and the suspect safe.

A person may ask the question, “How much force is acceptable in a given circumstance?” Article 3 of the Code of Conduct for Law Enforcement found that law enforcement personnel may use force only when necessary and only to the degree needed to restore order. Therefore, officers must examine the circumstances and start with only that amount of force necessary to bring the situation under control. Less than lethal options should be considered in all situations that do not involve an immediate threat of death or the risk of serious injury to the officer or others.

There are steps to take prior to administering any type of force. First, the officer should quickly assess the situation, set up perimeters and try to evacuate the innocent bystanders and victims if possible. Next, the officer must give a verbal command to the suspect to try to encourage the person to stop the behavior that warranted the police to become involved. Then, if the person continues to be non-compliant against the orders, an alternate method of gaining control of the situation must be considered and used. This may include restraining the person with handcuffs or if necessary using another less than lethal option. The officer in charge of making decisions at the scene should notify the other officers on the scene of the option to be used. Open communication lessens the chance of an officer misconstruing the situation. For example, an uninformed officer might respond with gunfire if he heard a gun discharged that was

used to deliver a less than lethal round. Police officers are no longer faced with one option, “shoot to kill”. The availability of less than lethal options have drastically improved since the events in the 1960’s when some police actions were scrutinized and viewed as brutal. At that time officers were limited in the options that were available to restore order during riots and disturbances. In a study of less than lethal options (Meyer, 1992) found that the use of these less than lethal options resulted in fewer and less serious injuries to the officer and the aggressor.

Mc Ewen and Leahy (1994) found that there are a variety of less than lethal options that are used by law enforcement officers and correctional officers. Some of them are physical restraints, electrical stun devices, diversion and distraction devices, chemical devices and impact projectiles. Non – lethal defensive tactics are also viewed as a less than lethal option.

There are different types of physical restraint that have proven to be beneficial as a less than lethal option. Handcuffs are a type of physical restraint that has been around since medieval times. They act by limiting the movement of the hands. Today, there is more than one type of handcuff available. In addition to the old, metal handcuff that was used in the past, some officers carry flexible, plastic handcuffs. They are made of long, plastic strips and are commonly used in situations where there are a large number of people to arrest. The handcuff is the most common physical restraint used by law enforcement. Another type of physical restraints used as a less than lethal option is the WRAP system. It looks like the “straight jacket” and decreases movement of the arms, legs and the head. There is also a device called the NETS system which stands for Non lethal Entanglement Technology System. It is considered to be safer than some of the other options because it may be used from a greater distance than some of the other objects, and it is almost painless. It works by limiting movement, which allows the officer to gain control of the aggressor.

Currently, officers have access to electrical devices that effectively function as less than lethal options. One example of this is the Advanced Taser. Electrical impulses are sent out that stun the person. This device almost immediately shocks a person into submission by incapacitating the nervous system. It has been observed to work in as fast as one second. There has been much advancement in this area since the first stun gun was invented.

There are alternatives that are being used by law enforcement to substantially reduce the risks in some scenes in the form of diversions and distractions. In a recent study (Donnelly, 2001) found that diversions and distractions work effectively to temporarily distract a person. One example of this is the flash bang device. It is a hand held device that is thrown and makes a very loud bang followed by flashes of bright light. It works to temporarily impair an individual's ability to hear and see. Diversions and distractions may be used alone or in combination with other devices.

Over the years chemical weapons have improved. In the past, the chemical weapons that were used in World War I were hazardous and caused unnecessary suffering. One of the most common less than lethal options used today in the form of a chemical is the OC pepper spray. OC stands for Oleoresin Capsicum. It is a pepper -based irritant that causes pain and affects the skin, nasal cavities, the eyes and the lungs. It may cause the eyes to tear, anxiousness, and make a person cough and sneeze. It may leave a person temporarily incapacitated. It has a high level of effectiveness when used properly. In a recent study of pepper spray Edwards, Granfield and Onnen, (1997) found it may reduce the risk to officers and the aggressors by limiting the need to raise to a higher level of force.

METHODOLOGY

The research question that will be looked at is: What is the safest way to handle situations that do not warrant the use of deadly force? It is hypothesized that the most common less than lethal options used by police departments in Texas are the same, but that there is a large difference in the amount of training delivered by each department.

Findings

It is found that most calls that an officer respond to can be handled with a less than lethal option. Telephone interviews with the Bay City Police Department, Angleton Police Department, as well as data collected from the Wharton Police Department shows the types of calls that most officers respond to. See (Chart I) which is a survey of the types of calls responded to in 2003.

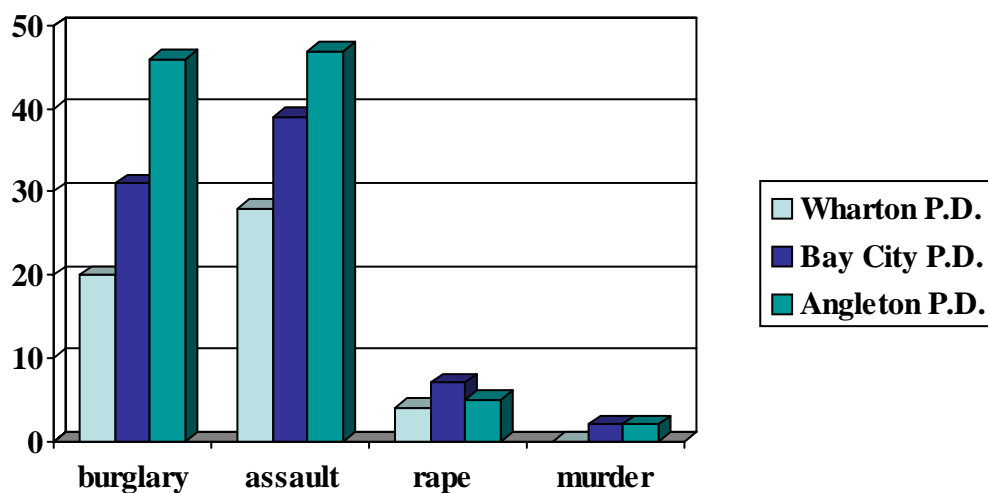


Chart I

Police officers today must continue to consider the use of these options when warranted and keep up to date with the advancements in this area. Less than lethal options continue to save lives and allow police officers to perform their jobs effectively and safely.

In researching the effectiveness of OC spray by the Wharton Police Department there are similar results. See (Chart II)

Chart II

Effectiveness of OC pepper spray

Subject # 1	Subject # 2	Subject # 3
40 yr old male	25 yr. old male	22 yr. old male
combative	threatening police	resisting arrest
submissive after o.c spray	submissive after o.c spray	submissive after o.c spray
no need for higher level of force	no need for higher level of force	no need for higher level of force

Some high- risk situations have been effectively handled with the use of impact projectiles. A common impact projectile that is used as a less than lethal option is the beanbag round. The beanbag round has proven to be one of the most effective less than lethal options available to law enforcement officers. It has been in use for more than 30 years. It looks like a normal shot- gun round but the lead shot is enclosed in a cloth like material that envelopes the round. It is convenient for officers to use because it can be used in a standard 12 gauge shot gun. The round delivers enough force to temporarily stop the aggressor. Ijames (2002) found in his study of impact rounds that when used properly these rounds might lessen the chance of having to resort to a higher level of force. In a recent encounter, the Wharton P.D. had the opportunity to resolve a situation with the use of a beanbag round. The police department received a call that an individual was threatening to harm himself with a knife. Police communicated with the individual and instructed him to disarm but the person continued to be non compliant. A less than

lethal option was used to disarm the man of his weapon. The situation was safely and effectively handled with a less than lethal option.

CONCLUSION

After researching less than lethal options as an alternative for law enforcement officers it was revealed that these options are a vital instrument that allows officers to perform their jobs safely and effectively. Why are less than lethal options the best way to resolve a non – life threatening situation? These options have proven over time that there may be other ways to restore order and resolve conflict if lethal force is not warranted. There may be some risks with a less than lethal option, but it is far safer than it's alternative, lethal force.

Less than lethal options have made a positive impact to law enforcement officers. There are a variety of less than lethal options that are effective for handling some chaotic situations. They have proven to be one of the best advancements in modern law enforcement. Less than lethal options continue to offer the officer more ways to apprehend and subdue suspects while exerting the least amount of force necessary. There are currently other promising less than lethal options that are being developed to aid law enforcement officers and military police. In the future, police officers may have more choices available to perform their duties and preserve the life of others.

Officers must continue to be properly trained how to administer a less than lethal option, as well as when a less than lethal option should be used. An officer should follow the policies and procedures set up within their department when administering an alternative.

The purpose of a less than lethal option is to temporarily confuse, delay or incapacitate a person. The rate of effectiveness is good overall when applied accurately. A less than lethal option may reduce the need to resort to lethal force in some incidences.

Less than lethal options continue to benefit law enforcement as well as the public. They are so beneficial mainly because they are safer and most can be easily reversed. Society is supportive of the use of less than lethal options mainly because these alternatives to lethal force sends the message to all that lethal force is not the only way to handle each problem. Society agrees with law enforcement in that there is a need for options to use when dealing with some situations that are out of control, but there is not a need to use lethal force. Morris and Morris, (1995) sum it up nicely when it was found that the goal is to save the day without destruction. Law enforcement officers today can continue to save the day with the use of less than lethal options when warranted.

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